

EXHIBIT "H"

Date/Time: December 13, 2001 9:25A.M
Clerk: SA

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

Milton K. Kaopua,

) Civil No. 1SS01-01394

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)

PETITIONER(S),

) ORDER GRANTING PETITION FOR
) INJUNCTION AGAINST HARASSMENT

vs.

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)

Robert F. Abad,

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RESPONDENT(S).

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)

ORDER GRANTING PETITION FOR
INJUNCTION AGAINST HARASSMENT

The Petition, having come on for hearing at 8:30 a.m. on December 13, 2001, before the Honorable David L. Fong, District Judge of the First Circuit, at the Honolulu Division of the District Court of the First Circuit,

with Petitioner(s) appearing:

☐ pro se

☒ with Counsel, Mitchell S. Burns

and Respondent(s):

☐ appearing pro se

☒ appearing with Counsel, Richard D. Lewallen

☐ having been duly served, but failing to appear for hearing on the Petition,

The Court having reviewed the Petition, and:

☐ upon failure of Respondent(s) to appear.

☒ Respondent(s) having stipulated to the granting of the Petition, and no findings of fact having been made.

☐ evidence having been adduced thereon and the Court having found the allegations of the Petition proven by clear and convincing evidence.

☒ Petitioner(s) and Respondent(s) having been served with a copy of this Order in open court.

☐ Respondent(s) having been present and orally informed of the terms and conditions of the Order, but having departed from the courtroom before being served with a copy of this Order in open court, in violation of the Court's directive to remain in the courtroom until service is made.

The Court has jurisdiction over the parties and this matter and Respondent(s) was/were provided notice and given a full and fair opportunity to be heard.

EXHIBIT 1 of 2

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Petition Against Harassment is granted in this matter.
 2. Respondent(s) and any other person acting on behalf of Respondent(s) are hereby restrained and enjoined from:
 - A. Contacting, threatening or harassing Petitioner(s). "Contacting" is defined to include but is not limited to the telephone, mail, facsimile, pager, electronic mail, internet, etc.
 - B. Contacting, threatening or harassing any person(s) residing at Petitioner(s)' residence.
 - C. Entering and/or visiting Petitioner(s)' residence, including yard and garage, and/or place of Petitioner(s)' employment.
 3. The parties or their attorneys shall not be precluded from serving court documents upon each other through certified mail, registered mail, the Honolulu Police Department, or an authorized process server.
 4. This injunction shall be effective as of **December 13, 2001** and shall remain in full force and effect for a period of **2 years** from said date unless terminated or modified by appropriate order of this Court.
 5. Special conditions or modifications: None.
 6. ☐ Court costs are awarded to Petitioner(s).
☐ Reasonable attorney's fees are awarded to Petitioner(s).
 7. **WHILE THIS INJUNCTION ORDER IS IN EFFECT, RESPONDENT(S) IS/ARE PROHIBITED FROM POSSESSING OR CONTROLLING ANY FIREARM OR AMMUNITION. ANY FIREARM OR AMMUNITION IN THE POSSESSION OR CONTROL OF RESPONDENT (S) MUST BE IMMEDIATELY TURNED OVER TO THE HONOLULU POLICE DEPARTMENT FOR SAFEKEEPING UNTIL THIS INJUNCTION ORDER IS NO LONGER IN EFFECT.**
- ANY KNOWING OR INTENTIONAL VIOLATION OF THIS ORDER AGAINST HARASSMENT IS A MISDEMEANOR PURSUANT TO HRS SECTION 604-10.5, WHICH MAY BE PUNISHABLE BY IMPRISONMENT OF UP TO ONE (1) YEAR AND/OR A FINE OF UP TO \$2,000, AND ALLOWS THE OFFICE OF THE PROSECUTING ATTORNEY TO PROSECUTE SUCH VIOLATIONS. IN ADDITION, ANY VIOLATION OF THE FIREARM AND AMMUNITION ORDER SHALL BE PUNISHABLE AS A MISDEMEANOR OFFENSE UNDER SECTION 134-7 OF THE HAWAII REVISED STATUTES.**
9. **THIS INJUNCTION ORDER IS ENFORCEABLE IN ALL 50 STATES, DISTRICT OF COLUMBIA, U.S. TERRITORIES, AND TRIBAL LANDS. [18 USC SECTION 2265]. INTERSTATE VIOLATION OF THIS ORDER IS SUBJECT TO FEDERAL CRIMINAL PROSECUTION. [18 USC SECTIONS 2261(g), 2261A AND 2262].**

TO ANY POLICE OFFICER OR OTHER OFFICER OF JUSTICE:

YOU ARE HEREBY ORDERED TO ARREST RESPONDENT(S) IF YOU OBSERVE AND/OR HAVE PROBABLE CAUSE TO BELIEVE THAT, DURING THE PERIOD STATED IN PARAGRAPH 4 HEREIN, RESPONDENT(S) HAS/HAVE VIOLATED ANY PROVISION OR CONDITION OF THIS ORDER.

Dated: HONOLULU, Hawai'i, December 13, 2001.

DAVID L. FONG



Judge of the above-entitled Court

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, District Court of the First Circuit, State of Hawaii